

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

In re: MAYS, JESSICA COLLEEN

Case No.12-71567
(Chapter 7)

Debtor.

OBJECTION TO AMENDED HOMESTEAD DEED

COMES NOW, George A. McLean, Jr., Trustee for the above estate, states as follows:

1. Jessica Colleen Mays filed a petition of relief under Chapter 7 of the Bankruptcy Code on August 23, 2012, and George A. McLean, Jr., was appointed Trustee for the estate of Jessica Colleen Mays.

2. On November 5, 2102, Trustee filed a request for asset notice.

3. On November 16, 2012, the case was dismissed because debtor had not paid all of her bankruptcy filing fees.

4. On February 26, 2013, Trustee received the debtor's 2012 income tax refund check in the amount of \$7,261.00 of which Trustee is entitled to 64% based on debtors bankruptcy filing date.

5. On March 6, 2013, the case was re-opened and all fees due to the bankruptcy court were paid.

6. Trustee has received copies of the following homestead deeds:

a. Homestead deed recorded in the Clerk's Office of the Circuit Court of Roanoke County on November 28, 2011, protecting \$766.13 under Section 34-4 of the Code of Virginia. Said homestead deed also states that the debtor had previously filed a homestead deed in

Rockbridge County Circuit Court protecting \$4,544.00 of assets under Section 34-4 of the Code of Virginia. A copy is attached as Exhibit A.

b.. Homestead deed recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, on October 2, 2012, protecting \$2 under Section 34-4 of the Code of Virginia, \$1.00 of which protected the debtor' interest in accrued 2012 federal income tax refund. A copy is attached as Exhibit B.

c. Amended homestead deed recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, on March 20, 2013 amended the interest in accrued 2012 federal income tax refund from \$1 to \$5,999.00 under Section 34-4 of the Code of Virginia. A copy is attached as Exhibit C.

7. Since debtor has two dependent children, she is allowed up to a total of \$6,000.00 of assets protected under Section 34-4 of the Code of Virginia. Debtor has now surpassed the \$6,000.00 limit by \$5,311.13.

WHEREFORE, Trustee prays that an Order be entered declaring as invalid the debtor's amended homestead recorded March 20, 2013, and allowing the debtor 10 days from the date of the entry of an order to amend said amended homestead deed to protect her 2012 federal income tax refund in an amount not over \$688.87, and that the Court grant such other and further relief as the Court may find warranted.

/s/ George A. McLean, Jr.
George A. McLean, Jr., Trustee

George A. McLean, Jr.
VSB #14018
P. O. Box 1264, Roanoke, Virginia 24006
(540) 982-8430
Trustee in Bankruptcy

Exhibit A

Printed On 10/23/2012 By MCLEAN

201111511

PG 0050 '11 NOV 28 08:53

HOMESTEAD DEED FOR REAL AND PERSONAL PROPERTY

1. Names of Householder: Jessica Colleen Mays
2. Name of title holder of record (if different): N/A
3. Is the Householders a disabled veteran entitled to claim the additional exemption under Virginia Code § 34-4.1? N/A
3. Address of Householders: 4359 D Garst Mill Road, Roanoke, VA 24018
4. County/city in which householders reside: Roanoke County
5. Relationship(s) and age(s) of dependants(s): Sons, 6 and 8

PROPERTY CLAIMED AS EXEMPT PURSUANT TO VIRGINIA CODE §34-4:

6. Description, including tax map number, and value of real property which is being claimed as exempt by the householder(s) and the city/county in which property is located:

None

N/A

7. Description of personal property that is being claimed as exempt by the householders and its value:

a. Interest in Garnished Funds

\$766.13

8. Total value of personal property which is being claimed As exempt by the householders pursuant to Virginia Code §34-4:

\$766.13

9. Number of homestead deeds that have been previously filed by the Householder(s): 1
10. Exemption amount previously claimed on prior homestead deed(s): \$4,544.00
11. List the jurisdiction where previous homestead deed(s) were filed: Rockbridge County Circuit Court

Printed On 10/23/2012 By MCLEAN

Exhibit B

Bowman/1

PG 0420 '12 OCT 02 1509

201211362

HOMESTEAD DEED OF JESSICA MAYS

COMES NOW Jessica Mays, 228 E. Augusta, Vinton VA 24179, who hereby files this deed to record the exemption of property under Va.Code § 34-4. Roanoke County is the locality in which the property claimed as exempt is located. The description of the property claimed as exempt and the value of the property is as follows:

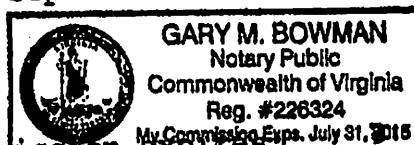
<u>Description</u>	<u>Value</u>
Interest in accrued 2012 federal income tax refund	\$ 1.00
Security deposit with residential landlord	\$ 1.00

Jessica Mays
Debtor

COMMONWEALTH OF VIRGINIA:

CITY OF ROANOKE:

The foregoing instrument was acknowledged before me this 27th day of September 2012 by Jessica Mays.



Gary M. Bowman
Notary Public

My commission expires July 2012

This instrument was prepared by Gary M. Bowman.

INSTRUMENT #201211362
RECORDED IN THE CLERK'S OFFICE OF
ROANOKE COUNTY ON
OCTOBER 2, 2012 AT 03:09PM

STEVEN A. MCGRAW, CLERK
RECORDED BY: FRS

201303613

Bowman/1

PG 0407 '13 MAR 20 1421

Exhibit C

AMENDED HOMESTEAD DEED OF JESSICA MAYS

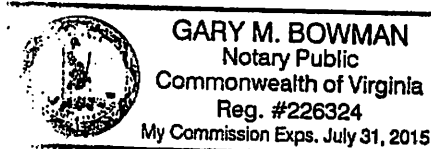
COMES NOW Jessica Mays, 228 E. Augusta, Vinton VA 24179,
who hereby files this deed to record the exemption of property
under Va.Code § 34-4. Roanoke County is the locality in which
the property claimed as exempt is located. Jessica Mays has two
dependent children. The description of the property claimed as
exempt and the value of the property is as follows:

<u>Description</u>	<u>Value</u>
Interest in accrued 2012 federal income tax refund	\$ 5999.00
Security deposit with residential landlord	\$ 1.00

Jessica Mays
Debtor

COMMONWEALTH OF VIRGINIA:

CITY OF ROANOKE:



The foregoing instrument was acknowledged before me this
20th day of March 2013 by Jessica Mays.

Gary M. Bowman
Notary Public

My commission expires: JULY 31, 2015

This instrument was prepared by Gary M. Bowman.

INSTRUMENT #201303613
RECORDED IN THE CLERK'S OFFICE OF
ROANOKE COUNTY ON
MARCH 20, 2013 AT 02:21PM

STEVEN A. MCCRAE, CLERK
RECORDED
-COPY-